

REMARKS

Applicants thank the Examiner for considering the references cited in the Information Disclosure Statements filed on January 14, 2004 and April 19, 2004.

Claims 1-30 are currently pending in this application. Applicants thank the Examiner for allowing claims 1, 2, 4, 12-16, 21, 22 and 24. Claims 3, 4, 6, 9, 17, 23, 24, 26, and 28 are amended. No claims are cancelled or added. No new subject matter has been entered. Reconsideration and allowance of all the rejected claims are respectfully requested in view of the foregoing amendments and following remarks.

REJECTION UNDER 35 U.S.C. §112

Claims 3, 5-11, 23 and 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is traversed in view of the clarifying amendments made to the claims, which are believed to cure the indefiniteness of the claimed invention. Allowance of these claims is requested.

Claims 3, 5, 10, 11, 23, 25, 29, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The dependency of the claims have been amended to include a proper antecedent basis for “evaluating how well the user performed the practical exercise.” Accordingly, allowance of these claims is requested.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This claim has been amended to correct the objected to typo. Therefore, allowance of this claim is requested.

Claims 6-11 and 26-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The claims have been amended to cure the alleged indefiniteness regarding the limitation where one multiple choice question or one essay question is presented. Allowance of these claims is requested.

If the clarifying amendments entered above are not considered to overcome the rejection, then the Examiner is requested to call the undersigned attorney at the number provided or issue another non-final Office Action.

FINALITY OF THE OFFICE ACTION

This Office Action is made final allegedly in accordance with MPEP § 706.07(a). Applicants hereby traverse the finality of this Office Action as not being in compliance with MPEP § 706.07(a) because new grounds for rejection are introduced that are not necessitated by amendment, nor based on information submitted in an information disclosure statement. For example, claims 3, 5-11, 23, and 25-30 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite due to a lack of an antecedent basis for “evaluating how well the user performed the practical exercise.” However, this recitation was not added by amendment to any of these claims, nor was an antecedent support for this recitation deleted from the claims. Consequently, the new grounds for this rejection have neither been necessitated by amendment, nor based on information submitted in an information disclosure statement. Therefore, Applicants request that Examiner remove the finality of this Office Action pursuant to MPEP § 706.07(d).

Having addressed the foregoing rejection, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: AUGUST 3, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sean L. Ingram', with a horizontal line extending to the right.

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